

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

GARY LIPKINS

PLAINTIFF

vs.

4:08CV01512-WRW

3M COMPANY

DEFENDANT

ORDER

I am reluctantly continuing this trial -- it will commence on Tuesday, October 5, 2010, at 9:30 a.m.

Pending is Defendant's Motion to Strike Plaintiff's Affidavits for a lack of specificity (and lack of being two-blocked with the requirements of the Federal Rules of Civil Procedure) (Doc. No. 39). I generally agree that numerous statements throughout the Affidavits are conclusory and lack foundation or personal knowledge. The last papers filed by Plaintiff's counsel, however, suggests that there may be bonafide factual issues -- assuming proper affidavits can be obtained -- and has requested a reasonable time to supplement the Affidavits.¹

Since it appears that Plaintiff may have some legitimate claims, Plaintiff's counsel is directed to two-block her affidavits on or before 5:00 p.m., Thursday, May 13th. Plaintiff is expected to have all appropriate papers completed in connection with Plaintiff's response to Defendant's Motion for Summary Judgment. Failure to comply will probably result in dismissal of Plaintiff's case with prejudice. After the filing of Plaintiff's papers, Defendant will have until 5:00 p.m., Thursday, May 27, 2010, to file supplemental papers -- if Defendant wishes to do so.

¹Doc. No. 46.

The Motion to Strike and Motion for Summary Judgment remain under consideration.

IT IS SO ORDERED this 13th day of April, 2010.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE